

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**
CHARLOTTESVILLE DIVISION

UNITED STATES OF AMERICA,

v.

ROBERT MCKINLEY WINSTON

Defendant.

CASE NO. 3:01-cr-00079

ORDER

JUDGE NORMAN K. MOON

In accordance with the accompanying memorandum opinion, the Court incorporates and adopts the defendant's Motion to Vacate (dkt. 58), the Government's Motion to Dismiss (dkt. 62), the defendant's reply (dkt. 64) and Motion for Reconsideration (dkt. 68), the Government's Response (dkt. 73), and the defendant's Response in Support of his Motion for Reconsideration (dkt. 74) into the defendant's successive § 2255 petition (dkt. 88).

Also in accordance with the accompanying memorandum opinion—as well as the memorandum opinions dated May 11, 2016 (dkt. 65) and July 21, 2016 (dkt. 76), which are hereby **REINSTATED**—defendant's motion to vacate (dkt. 88) is **DENIED**, and the Government's responsive motion to dismiss (dkt. 62; *see* dkt. 86, 87) is **GRANTED**. The Court finds that the defendant's petition relies on *Johnson v. United States*, 135 S. Ct. 2551 (2015) for the reasons stated in the May 11, 2016 and the accompanying memorandum opinions.

The Court issues a certificate of appealability as stated in docket entry 67. The Clerk of the Court is hereby directed to send a certified copy of this Order to counsel of record.

Entered this 16th day of September, 2016.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE